IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1608 OF 1990

Janardan Aditrao Patol... .... Petitioner.

Versus

Sultan Kasamali Thanawalla, since deceased,by his L.Rs.
Manek Sultan Thanawalla & Ors. ..... Respondents.

Ms. Gauri Godse for the Petitioner.

Mr. R. S. Apte for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 7TH JUNE, 2005.

P.C.:

Having heard the learned Counsel for the parties, the following order is passed by consent.

2. The impugned orders of all the Authorities below are hereby set aside. The matter is remanded to the Tahsildar of Thane for a fresh enquiry as to whether the Petitioner is a tenant and entitled to protection of the Bombay Tenancy and Agricultural Lands Act, 1948. In particular, the Tahsildar shall also decide whether the objection of the landlord that the land

was included in the Thane Municipal Burough at the relevant time is tenable or not. The Tahsildar shall decide the matter not later than three months from the date the parties appear before him. Parties are directed to appear before the Tahsildar on 27th June, 2005.

3. All contentions of both the parties are kept open including the Petitioner’s contention that his father was a tenant.

4. Rule allowed in terms aforesaid. Writ Petition is disposed of accordingly. No order as to costs.

Sd/-

(S. A. BOBDE, J.)